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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

## IN RE CAPACITORS ANTITRUST LITIGATION

Master File No. 3:17-md-02801-JD  
Case No. 3:14-cv-03264-JD

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THIS DOCUMENT RELATES TO:  
THE DIRECT PURCHASER CLASS ACTIONS

**DIRECT PURCHASER CLASS'S  
OPPOSITION TO NCC'S MOTION TO (I)  
ALLOW UCHIYAMA TO TESTIFY  
SUBSTANTIVELY AND (II) PRECLUDE  
EVIDENCE OF HIS PRIOR FIFTH  
AMENDMENT INVOCATION**

Date: tbd  
Time: tbd  
Judge: Honorable James Donato  
Courtroom: 11, 19th Floor

The trial of this matter begins on March 2, 2020. NCC's motion comes far too late. The Court's prior order allowing revocations of fifth amendment invocations was entered on January 15, 2020. Since then, the undersigned has spent eight days in depositions of revokers, with two more days of depositions this week. NCC could have brought this motion a long time ago. When NCC first raised this issue, it was immediately told that the Class did not agree and that NCC would have to seek an order for this relief. Why NCC chose to wait until now is known only by NCC, but it is too late now to slot in more depositions of fifth amendment invokers/revokers. Federal Rule of Civil Procedure 1; Federal Rule of Civil Procedure 16.

Dated: February 25, 2020

Respectfully Submitted,

## JOSEPH SAVERI LAW FIRM, INC.

By: /s/ Steven N. Williams  
Steven N. Williams

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